IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 705 of 2005

Shekh Izrayal alias Guddu
S/o Shekh Ismial
R/o Azizgang
Thana- Adarwal
Jabalpur (Madhya Pradesh) …….. Applicant.

Vs.

1. State of Uttaranchal

2. District Judge, Almora
District- Almora …….Opposite Parties

Shri R. B. Agarwal and Shri M.K. Agarwal, learned counsel for the applicant.
Learned Government Advocate for the State.

Hon'ble Prafulla C. Pant, J.

1. This is a petition is moved under Section 482 of Code of Criminal Procedure, 1973, for setting aside the condition mentioned in the order dated 29.07.2005 whereby the learned Sessions Judge, Almora, in connection with case crime No. 1 of 2005 under Section 302, 394, 120-B of I.P.C., has granted bail to the applicant but directed to furnish bonds of the local sureties.

2. Heard learned counsel for the applicant and learned A.G.A.

3. Learned counsel for the applicant submitted that even after the impugned order was passed in favour of the petitioner he is languishing in jail only for the reason that he is not in a position to furnish bonds of the local sureties. The petitioner belongs to the State of Madhya Pradesh. It is hard to believe that he would be able to furnish local sureties of Almora. If the condition is permitted to stay, indirectly it would amount to denial of bail to the petitioner who has been granted bail. In view of the principle of law laid

down by the apex court in Moti Ram Vs. State of M.P. AIR 1978 S.C. 1594, the condition of the local sureties in the present case deserves to be modified accordingly. The petition under Section 482 of Code of Criminal Procedure, 1973, is allowed and the petitioner is permitted to furnish the bonds of sureties outside local limits of District Almora also (including the State of Madhya Pradesh), provided the same are duly verified.

(Prafulla C. Pant, J.)

Dt: 21.12.2005
Sweta